

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TREVOR KEEGAN,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

CASE NO. C24-0656-KKE

ORDER DENYING SERVICE BY
MARSHAL

This matter comes before the Court on Plaintiff Trevor Keegan's request for service on Defendant Susan Giddings by the United States Marshals Service. Dkt. No. 22 at 21. Defendant United States of America "takes no position" regarding this request. Dkt. No. 23 at 1.

Under Federal Rule of Civil Procedure 4(c), the Court "may order that service be made by a United States marshal or deputy marshal[.]" Fed. R. Civ. P. 4(c). "The Court's authority to order that service be made by the marshals when a plaintiff is neither *in forma pauperis* nor a seaman is discretionary and should be exercised in favor of appointment when a law enforcement presence appears necessary or advisable to keep the peace." *Volpe v. JP Morgan Chase Bank*, No. 8:22-cv-01054-JWH-DFM, 2022 WL 3643754, at *1 (C.D. Cal. June 21, 2022) (cleaned up). The 1982 Advisory Committee Notes for Rule 4 also provide that a plaintiff should "first ... seek service by private means whenever feasible rather than impose the burden on the Marshals Service." 93

1 F.R.D. 255, 262. In addition, “court orders directing service by marshal should not be issued
2 unless they really are necessary.” *Id.*

3 Here, the Court’s authority to order the United States Marshal Service to serve civil process
4 is discretionary and Plaintiff fails to articulate why marshal service is necessary or what attempts
5 he has taken to serve Defendant Giddings with process by private means before seeking assistance
6 from the marshals. *See Oels v. Dunleavy*, No. 3:23-CV-00006-SLG, 2023 WL 2814530, at *2 (D.
7 Alaska Apr. 6, 2023) (declining to exercise discretion to order service by marshals). Accordingly,
8 the Court denies Plaintiff’s request for service by the United States Marshals Service. Dkt. No. 22
9 at 21.

10 The Clerk is directed to send uncertified copies of this Order to any party appearing pro se
11 at said party’s last known address.

12 Dated this 25th day of March, 2025.

13 

14 _____
15 Kymberly K. Evanson
16 United States District Judge
17
18
19
20
21
22
23
24